

### **REMARKS**

The Office Action dated November 14, 2007 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 1-12, 14-18, 20-21, 24-25, 28-29, 31-35, and 37 have been amended to more particularly point out and distinctly claim the subject matter of the invention. Claims 13, 19, 22-23, 26-27, 30, 36, and 38-46 have been cancelled. Claims 47-72 have been added. No new matter has been added. Therefore, claims 1-12, 14-18, 20-21, 24-25, 28-29, 31-35, 37, and 47-72 are currently pending in the application and are respectfully submitted for consideration.

The Office Action rejected claims 1-2, 4-5, 7-20, 35-36, and 39 under 35 U.S.C. § 102(e) as being anticipated by U.S. Publication No. 2003/0101135 ("Myatt"). The rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that claims 13, 19, 36, and 39 have been cancelled. Thus, the rejection, with respect to these claims, is mooted.

Claim 1, upon which claims 2-12, 14-18, and 20 are dependent, recites an apparatus, which includes a requesting unit configured to request that in a first entity including an information store configured to store information defining an amount of money for at least one user device, a portion of the amount of money be reserved at the first entity, as a reserved portion. The apparatus further recites a controller configured to

control an allocation of the reserved portion between a plurality of services to be accessed by the at least one user device in a session. The allocation is controlled after the request is made. The apparatus is separate from the first entity, and the at least one user device.

Claim 35, upon which claims 47-62 are dependent, recites a method, which includes requesting to a first entity storing information defining an amount of money for at least one user device, from a controller separate from the first entity and at least one user device, a portion of the amount of money to be reserved as a reserved portion at the first entity. The method further includes controlling at the controller an allocation of the reserved portion between a plurality of services to be accessed in a session after the requesting to the first entity.

Claim 71 recites an apparatus, which includes means for requesting that in a first entity including an information store configured to store information defining an amount of money for at least one user device, a portion of the amount of money to be reserved at the first entity, as a reserved portion. The apparatus further includes means for controlling an allocation of the reserved portion between a plurality of services to be accessed by the at least one user device in a session. The allocation is controlled after the request is made, and wherein the controller is separate to the first entity and the at least one user device.

Thus, according to embodiments of the invention, credit control is established in a prepaid environment for services such as data access services with optimized

communication. Therefore, real time credit control for data access services is realized in a more granular manner.

As will be discussed below, Myatt fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

Myatt generally discloses a computerized system which includes a rating engine and a balance manager. The balance manager maintains a database having accounts, where the accounts have an account balance. The balance manager receives event data, calculates a reservation amount based on the event data, determines a service unit quantity based on the reservation amount, and reserves the reservation amount against the pre-paid account. (see Myatt at Abstract).

Applicants respectfully submit that Myatt fails to disclose, teach, or suggest, all of the elements of the present claims. For example, Myatt fails to disclose, teach, or suggest, at least, “a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed by said at least one user device in a session,” as recited in claim 1, and similarly recited in claim 71, and “controlling at said controller an allocation of said reserved portion between a plurality of services to be accessed in a session after the requesting to the first entity,” as recited in claim 35.

As discussed above, Myatt generally discloses a computerized system which includes a rating engine and a balance manager. Myatt further discloses an operating environment 100 including a balance manager 102, communicably coupled via a network

to zero or more content servers 106, zero or more m-commerce servers 108, and zero or more intelligent network platforms 110. Content servers 106, m-commerce servers 108, and intelligent network platforms all provide services to wireless devices 140. (see Myatt at paragraph 0020; Figure 1).

Myatt further discloses that balance manager 102 receives requests to authorize and apply charges against pre-paid services, such as downloading content from content servers 106, purchasing goods and/or services through an m-commerce server 108, and connection and airtime charges for voice and data connections controlled by an intelligent network platform 110. In the case of content and other downloads that may have connection and airtime charges, the charged amount cannot be determined up-front, the balance manager determines a number of service units to authorize and reserves a corresponding amount against the account. (see Myatt at paragraph 0025; Figure 1). Further details of the reservation process are provided in paragraphs 0031-0037 of Myatt. The specifics on determining a reservation amount are provided in paragraphs 0038-0056 of Myatt.

Nowhere in Myatt is there a disclosure, or suggestion, that the balance manager allocates the reserved amount between a plurality of services accessed by the same user device. Instead, Myatt merely discloses that the balance manager determines a number of service units that should be authorized base on reserved amount, and then authorizes the requested service for a duration correlating to the number of service units. (see Myatt at

paragraph 0033.) Furthermore, Myatt discloses that the reserved amount correlates to one service. (see Myatt at paragraphs 0030-0032). There is simply no disclosure, or suggestion, in Myatt of an allocation of the reserved amount among multiple services.

Furthermore, Applicants respectfully submit that the present Office Action has replaced a rejection based on a combination of Myatt and U.S. Publication No. 2003/0078031 (“Masuda”), from a previous Office Action, dated April 20, 2007 (“Previous Office Action”), with a rejection based solely on Myatt, and that the present Office Action has cited the same section of Myatt was cited in the rejection of the Previous Office Action. (see Previous Office Action at page 3). Furthermore, Applicants respectfully submit that, in the “Response to Arguments” section of the currently pending Office Action, the present Office Action has failed to respond to Applicants’ previous arguments, submitted in a previous Response, dated August 20, 2007 (“Previous Response”), where Applicants argued that Myatt teaches away from reserving a portion of a user balance for allocating between a plurality of services, because Myatt fails to disclose the technique of reserving a portion of a user balance for allocation between a plurality of services. Instead, Myatt discloses reserving an amount of a user balance for one service so as to leave credit in the user’s account to use for other services that may be concurrently accessed. (see Previous Response, at page 6). Applicants hereby incorporate the arguments in the Previous Response by reference, and respectfully request a response to these arguments, if there is any disagreement.

Thus, Myatt fails to disclose, teach, or suggest, at least, “a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed by said at least one user device in a session,” as recited in claim 1, and similarly recited in claim 71, and “controlling at said controller an allocation of said reserved portion between a plurality of services to be accessed in a session after the requesting to the first entity,” as recited in claim 35.

Therefore, for at least the reasons discussed above, Myatt fails to disclose, teach, or suggest, all of the elements of claims 1, 35 and 71. For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

Claims 2, 4-5, and 7-12, 14-18, and 20 depend upon claim 1. Claims 47-62 depend upon claim 35. Thus, Applicants respectfully submit that claims 2, 4-5, 7-12, 14-18, 20, and 47-62 should be allowed for at least their dependence upon claims 1 and 35, respectively, and for the specific limitations recited therein.

The Office Action rejected claims 3 and 6 under 35 U.S.C. § 103(a) as being unpatentable over Myatt, in view of U.S. Publication No. 2003/0078031 (“Masuda”). The Office Action took the position that Myatt discloses all the elements of the claims with the exception of “wherein said reserved portion is divided equally,” as recited in claim 3, and “wherein said reserved portion is allocated dynamically,” as recited in claim 6. (see Office Action at page 6). The Office Action then cited Masuda as allegedly

curing the deficiencies of Myatt. (see Office Action at page 6). The rejection is respectfully traversed for at least the following reasons.

The description of Myatt, discussed above, is incorporated herein. Masuda generally discloses a communication system capable of conducting prepaid communication service. A service request transmitting section transmits a service request for a prepaid service, and a prepaid service executing section executes the prepaid service. A user request receiving section receives the service request and the registration information. Based on the service request and the registration information, a prepayment control section performs prepayment control including a process of allotting the balance of prepayment to a plurality of prepaid services to be conducted simultaneously. A prepaid service providing section provides the prepaid service in accordance with the corresponding allotment of the balance. (see Masuda at Abstract).

Claims 3 and 6 depend upon claim 1. As discussed above, Myatt does not disclose, teach, or suggest all of the elements of claim 1. Furthermore, Masuda does not cure the deficiencies in Myatt, as Masuda also does not disclose, teach, or suggest, at least, “a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed by said at least one user device in a session,” as recited in claim 1. Thus, the combination of Myatt and Masuda, whether considered individually or in combination, does not disclose, teach, or suggest all of the elements of

claims 3 and 6. Additionally, claims 3 and 6 should be allowed for at least their dependence upon claim 1, and for the specific limitations recited therein.

The Office Action rejected claims 21-34, 37-38, and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over Myatt, in view of U.S. Publication No. 2004/0077332 (“Ephraim”). The Office Action took the position that Myatt discloses all the elements of the claims with the exception of “wherein said first entity is configured to send to said controller information defining an amount of said reserved portion in a first form other than a monetary amount and said controller is arranged to convert information relating to said amount of said reserved portion to a second form as a monetary amount,” as recited in claim 21; “wherein said information in said first form comprises said unit amount,” as recited in claim 28; “wherein said controller is arranged to convert said unit amount to a corresponding monetary amount to provide said second form,” as recited in claim 29; “wherein said service access parameter comprises at least one number of clicks or number of accesses,” as recited in claim 33; and “wherein said second form comprises monetary value, number of clicks and number of accesses,” as recited in claim 34. (see Office Action at pages 7-10). The Office Action then cited Ephraim as allegedly curing the deficiencies of Myatt. The rejection is respectfully traversed for at least the following reasons.

Applicants respectfully submit that claims 22-23, 26-27, and 38-46 have been cancelled. Thus, the rejection, with respect to these claims, is mooted.



Claim 21, upon which claims 24-25, 28-29, and 31-34 are dependent, recites an apparatus, which includes a requesting unit configured to request reservation of a portion of an amount of money defined by information stored at a first entity, and a controller configured to control an allocation of a reserved portion between a plurality of services to be accessed simultaneously by a user device. The apparatus further includes a receiver configured to receive from the first entity information defining an amount of the reserved portion in a first form other than a monetary amount, and a converter configured to convert information relating to the amount of the reserved portion to a second form as a monetary amount.

Claim 37, upon which claims 63-70 are dependent, recites a method, which includes requesting a reservation of a portion of an amount of money defined for at least one user device by stored information, and receiving, at a controller configured to allocate a reserved portion between a plurality of services to be accessed simultaneously, information defining an amount of the reserved portion in a first form other than a monetary amount. The method further includes converting information relating to the amount of the portion to a second form as a monetary amount, and then allocating the reserved portion between the plurality of services.

Claim 72 recites an apparatus, which includes means for requesting reservation of a portion of an amount of an amount of money defined by information stored at a first entity, and means for controlling an allocation of a reserved portion between a plurality

of services to be accessed simultaneously by a user device. The apparatus further includes means for receiving from the first entity information defining an amount of the reserved portion in a first form other than a monetary amount, and means for converting information relating to the amount of the reserved portion to a second form as a monetary amount.

The advantages of embodiments of the present invention, as discussed above, are incorporated herein.

As will be discussed below, the combination of Myatt and Ephraim fails to disclose or suggest all of the elements of the claims, and therefore fails to provide the advantages and features discussed above.

The description of Myatt, discussed above, is incorporated herein. Ephraim generally discloses a system and method for providing prepaid data transfer services to a subscriber through a communication device, such as a wireless or wire device. The communication device is connected to a data network for transferring data from a data source, such as the Internet. A prepaid system monitors the data network in order to determine whether a particular requested data transfer should be authorized or continued according to the prepaid amount available in the account of the system. (see Ephraim at Abstract).

Applicants respectfully submit that Myatt and Ephraim, whether considered individually or in combination, fail to disclose, teach, or suggest, all of the elements of

the present claims. For example, the combination of Myatt and Ephraim fails to disclose, teach, or suggest, at least, “a controller configured to control an allocation of a reserved portion between a plurality of services to be accessed simultaneously by a user device,” as recited in claim 21, and similarly recited in claim 72, and “a controller configured to allocate a reserved portion between a plurality of services to be accessed simultaneously,” as recited in claim 37.

While each claim of the present application has its own scope, Applicants respectfully submit that Myatt fails to disclose, teach, or suggest, at least, “a controller configured to control an allocation of a reserved portion between a plurality of services to be accessed simultaneously by a user device,” as recited in claim 21, and similarly recited in claim 72, and “a controller configured to allocate a reserved portion between a plurality of services to be accessed simultaneously,” as recited in claim 37, for similar reasons, discussed above, as to why Myatt fails to disclose, teach, or suggest, “a controller configured to control an allocation of said reserved portion between a plurality of services to be accessed by said at least one user device in a session,” as recited in claim 1, and similarly recited in claims 35 and 71.

Furthermore, Ephraim does not cure the deficiencies of Myatt. As discussed above, Ephraim discloses a system and method for providing prepaid data transfer services to a subscriber through a communication device, such as wireless or wire device. Furthermore, Ephraim discloses that a subscriber first prepays for data transfer service

through a prepaid system. Then a subscriber uses a wireless device to access data services, such as SMS or the Internet. The request for access is intercepted by the prepaid billing system. The prepaid billing system then examines packets representing requests or data flowing from, or to, the wireless device and debits the prepaid account balance of the subscriber. The component of the prepaid system which actually receives the request from the user calculates the debit in terms of “tokens,” which are arbitrary internal units for charging for data transfer. The value of the tokens is then converted to a monetary value for debiting the account of the user. (see Ephraim at paragraphs 0011-0012).

Thus, Ephraim fails to disclose, or suggest, that the billing systems reserves any amount of the subscriber’s balance, nor does Ephraim disclose, or suggest, that the billing system controls an allocation of the non-existent reserved portion between a plurality of services to be accessed by at least one user device in a session.

Applicants also respectfully submit that, in the Previous Office Action, the Examiner relied upon a combination of Masuda and Ephraim to reject claims 21-29, 31-34, 37-38, and 40-46, and that the present Office Action merely switched the reference of Masuda with the reference of Myatt. (see Previous Office Action at page 8; see also Office Action at page 7). Furthermore, Applicants respectfully submit that, in the “Response to Arguments” section of the currently pending Office Action, the present Office Action has failed to respond to Applicants’ previous arguments, submitted in a

previous Response, dated August 20, 2007 (“Previous Response”), where Applicants argued that Ephraim failed to cure the deficiencies of Masuda. (see Previous Response, at pages 10-11). Applicants hereby incorporate the arguments in the Previous Response by reference, and respectfully request the Examiner to properly respond to these arguments, if he disagrees with them.

Thus, Applicants respectfully submit that Ephraim, whether considered individually or combined with Myatt, fails to disclose, teach, or suggest, at least, “a controller configured to control an allocation of a reserved portion between a plurality of services to be accessed simultaneously by a user device,” as recited in claim 21, and similarly recited in claim 72, and “a controller configured to allocate a reserved portion between a plurality of services to be accessed simultaneously,” as recited in claim 37.

Therefore, for at least the reasons discussed above, the combination of Myatt and Ephraim fails to disclose, teach, or suggest, all of the elements of claims 21, 37, and 72. For the reasons stated above, Applicants respectfully request that this rejection be withdrawn.

Applicants additionally respectfully submit that there is a lack of motivation to combine the teachings of Myatt with the teachings of Ephraim because the proposed modification would change the principle of operation of the references.

As reiterated by the Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007), the framework for the objective analysis for

determining obviousness under 35 U.S.C. § 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). Obviousness is a question of law based on underlying factual inquiries. The factual inquiries are: (a) determining the scope and content of the prior art; (b) ascertaining the differences between the claimed invention and the prior art; and (c) resolving the level of ordinary skill in the pertinent art. (see *KSR International Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, 82 USPQ2d 1385 (2007); *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966); see also MPEP 2141).

The Supreme Court in *KSR* noted that the analysis supporting a rejection under 35 U.S.C. § 103 should be made explicit. The court stated that “rejections on obviousness cannot be sustained by mere conclusory statements; instead there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” (see *KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396; see also MPEP 2141).

Furthermore, if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959).

In the present case, Ephraim teaches using tokens (instead of monetary amounts) at a data monitor to provide a measure of the extent to which a service has been used by a user, and to then convert such tokens into a monetary amount at a separate server which is provided with information about one or more characteristics of the subscriber. The

motivation for using tokens is that the data monitor does not need to be provided with information regarding characteristics of the subscriber. (see paragraphs 0012 and 0039 of Ephraim). The Office Action asserts that it would have been obvious for one skilled in the art to have modified the technique of Myatt on the basis of the teaching of Ephraim by sending balance information in a non-monetary form and to convert it into a monetary form. However, Applicants respectfully submit that such a modification of Myatt would be against the teaching of Ephraim, because converting user balance information into a monetary form would go against the teaching of Ephraim of not using monetary forms at the data monitor of Ephraim.

Therefore, the Office Action has failed to establish a prima facie case that claims 21, 37, and 72 would have been obvious to one of ordinary skill in the art in light of the cited references of Myatt and Ephraim.

Claims 24-25, 28-29, and 31-34 depend upon claim 21. Claims 63-70 depend upon claim 37. Thus, Applicants respectfully submit that claims 24-25, 28-29, 31-34, and 63-70 should be allowed for at least their dependence upon claims 21 and 37, respectively, and for the specific limitations recited therein.

For at least the reasons discussed above, Applicants respectfully submit that the cited prior art references fails to disclose or suggest all of the elements of the claimed invention. These distinctions are more than sufficient to render the claimed invention unanticipated and unobvious. It is therefore respectfully requested that all of claims 1-12,

14-18, 20-21, 24-25, 28-29, 31-35, 37, and 47-72 be allowed, and this application passed to issue.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicants' undersigned representative at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicants respectfully petition for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,



---

Majid S. Albassam  
Registration No. 54,749

**Customer No. 32294**  
SQUIRE, SANDERS & DEMPSEY LLP  
14<sup>TH</sup> Floor  
8000 Towers Crescent Drive  
Tysons Corner, Virginia 22182-2700  
Telephone: 703-720-7800  
Fax: 703-720-7802

MSA/KMM:jeh:ksh

Enclosures: Additional Claim Fee Transmittal  
Check No. 18125